

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA**

**CRIMINAL NO. 05-440**

**v.**

**DATE FILED: February 1, 2006**

**ALTON COLES,**

**a/k/a "Ace,"**

**a/k/a "Ace Capone,"**

**a/k/a "Fat Boy,"**

**a/k/a "Naseem Coles,"**

**a/k/a "Lamar Johnson,"**

**a/k/a "Naiil Johnson,"**

**TIMOTHY BAUKMAN,**

**a/k/a "Tauheed Baukman,"**

**a/k/a "Tim Gotti,"**

**a/k/a "T Dog,"**

**HAKIEM JOHNSON,**

**a/k/a "Hak,"**

**a/k/a "Uncle Hak,"**

**a/k/a "Unc,"**

**DANTE TUCKER,**

**a/k/a "Dant,"**

**TERRY WALKER,**

**a/k/a "Taz,"**

**AL ZUAGAR,**

**a/k/a "Zu,"**

**a/k/a "Alfonso Zuagar,"**

**a/k/a "Junior Zuagar,"**

**CHARLTON CUSTIS,**

**a/k/a "Gusto,"**

**KEENAN BROWN,**

**a/k/a "Nino Brown,"**

**a/k/a "Dot,"**

**ROBERT COOPER,**

**a/k/a "O.G.,"**

**a/k/a "Robert Hall,"**

**JAMAR CAMPBELL,**

**a/k/a "Mar,"**

**GARY CREEK,**

**a/k/a "Dirtbike HOV,"**

**MONIQUE PULLINS**

**VIOLATIONS:**

**21 U.S.C. § 846 (conspiracy to distribute  
5 kilograms or more of cocaine and  
50 grams or more of cocaine base  
("crack") - 1 count)**

**21 U.S.C. § 841(a)(1) (distribution and  
possession with intent to distribute  
cocaine or cocaine base ("crack") - 13  
counts)**

**21 U.S.C. § 843(b) (use of a  
communication facility to facilitate the  
distribution of cocaine or cocaine base  
("crack") - 17 counts)**

**21 U.S.C. § 856(a)(2) (maintaining a  
storage facility - 2 counts)**

**18 U.S.C. § 924(c) (possession of a firearm  
in furtherance of a drug trafficking crime  
- 6 counts)**

**18 U.S.C. § 922(g)(1) (possession of a  
firearm by a convicted felon - 5 counts)**

**18 U.S.C. § 2 (aiding and abetting)**

**Notice of forfeiture**

**THIRD SUPERSEDING INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

1. From in or about a date unknown to the grand jury, beginning at least in February 2000, through in or about August 10, 2005, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

**ALTON COLES,**  
a/k/a "Ace,"  
a/k/a "Ace Capone,"  
a/k/a "Fat Boy,"  
a/k/a "Naseem Coles,"  
a/k/a "Lamar Johnson,"  
a/k/a "Naiil Johnson,"  
**TIMOTHY BAUKMAN,**  
a/k/a "Tauheed Baukman,"  
a/k/a "Tim Gotti,"  
a/k/a "T Dog,"  
**HAKIEM JOHNSON,**  
a/k/a "Hak,"  
a/k/a "Uncle Hak,"  
a/k/a "Unc,"  
**DANTE TUCKER,**  
a/k/a "Dant,"  
**TERRY WALKER,**  
a/k/a "Taz,"  
**AL ZUAGAR,**  
a/k/a "Zu,"  
a/k/a "Alfonso Zuagar,"  
a/k/a "Junior Zuagar,"  
**CHARLTON CUSTIS,**  
a/k/a "Gusto,"  
**KEENAN BROWN,**  
a/k/a "Nino Brown,"  
a/k/a "Dot,"  
**ROBERT COOPER,**  
a/k/a "O.G.,"  
a/k/a "Robert Hall,"

**JAMAR CAMPBELL,  
a/k/a “Mar,”  
GARY CREEK,  
a/k/a “Dirtbike HOV,” and  
MONIQUE PULLINS**

conspired and agreed, together and with others known and unknown to the grand jury, to knowingly and intentionally distribute controlled substances, that is, 5 kilograms or more containing a mixture and substance of a detectable amount of cocaine, a Schedule II controlled substance, and 50 grams or more of a mixture and substance containing a detectable amount of cocaine base (“crack”), all in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A).

**MANNER AND MEANS**

It was part of the conspiracy that:

2. **ALTON COLES** was the leader and organizer of a cocaine and cocaine base (“crack”) distribution gang (hereinafter referred to as the **COLES Cocaine Gang (“CCG”)**, which distributed in excess of 5 kilograms of cocaine and in excess of 50 grams of cocaine base (“crack”) between approximately February 2000 and August 10, 2005.

3. Defendant **ALTON COLES** and others known and unknown to the grand jury obtained kilogram quantities of cocaine from suppliers outside of and from within the Eastern District of Pennsylvania.

4. Defendant **ALTON COLES** and others transported cocaine to Philadelphia, and elsewhere, where it was sold as cocaine powder, or converted, or “cooked,” into cocaine base (“crack”) and then distributed through various co-conspirators to customers of the **CCG**.

5. Defendant **ALTON COLES** controlled the operations of the **CCG** through the following conspirators:

a. Defendant **TIMOTHY BAUKMAN** was the principal manager for the **CCG**;

b. Defendants **DANTE TUCKER** and **HAKIEM JOHNSON** were top-level managers for the **CCG**;

c. Defendants **AL ZUAGAR** and **CHARLTON CUSTIS** were managers of street corner sales for the **CCG** and were assisted by defendant **KEENAN BROWN**;

d. Defendant **MONIQUE PULLINS** managed and maintained a storage and distribution facility for cocaine and cocaine base (“crack”) for the **CCG**, located at 1416 Clearview Street, Apartment F520, in Philadelphia;

e. Defendants **TERRY WALKER** and **JAMAR CAMPBELL** and others known and unknown to the grand jury were wholesale or “weight” sellers of cocaine for the **CCG**; and

f. Defendants **CHARLTON CUSTIS** and **ROBERT COOPER** and others known and unknown to the grand jury were retail sellers of cocaine and cocaine base (“crack”) for the **CCG**.

6. Managers of street corner sales locations, including defendants **CHARLTON CUSTIS**, **AL ZUAGAR**, and others and others known and unknown to the grand jury, received large amounts of cocaine from defendant **ALTON COLES** and others known and unknown to the grand jury. Street managers stored cocaine, processed it into cocaine base

(“crack”) by “cooking” it, re-packaged cocaine base (“crack”), and sold it in various locations in and around Philadelphia, Pennsylvania through street level sellers, including defendants **ROBERT COOPER, KEENAN BROWN**, and others known and unknown to the grand jury.

7. Defendant **ALTON COLES** distributed cocaine and cocaine base (“crack”) through defendants **TIMOTHY BAUKMAN, DANTE TUCKER, HAKIEM JOHNSON, TERRY WALKER, MONIQUE PULLINS, JAMAR CAMPBELL**, and **GARY CREEK**, and others known and unknown to the grand jury. These defendants sold “weight” amounts of cocaine for the **CCG**, that is, ounce or more amounts of cocaine for re-distribution to **CCG** customers.

8. Defendants **ALTON COLES, TIMOTHY BAUKMAN, DANTE TUCKER, HAKIEM JOHNSON, JAMAR CAMPBELL, CHARLTON CUSTIS**, and **AL ZUAGAR**, and other **CCG** conspirators, carried firearms to protect their cocaine and cocaine base (“crack”), and the proceeds earned from the sale of these controlled substances.

9. **CCG** defendants and conspirators:
- a. obtained, possessed, and used identification cards, such as Pennsylvania Driver’s Licenses, containing false information, and also used aliases to conceal their identities, activities, and roles in the **CCG**;
  - b. manufactured, stored and secreted cocaine and cocaine base (“crack”), belonging to the **CCG**, in various locations in the Eastern District and elsewhere;
  - c. generated, collected, stored and transported large amounts of cash proceeds from the sale of cocaine and cocaine base (“crack”); and
  - d. maintained books and records of cocaine and cocaine base

(“crack”) related transactions as part of the business of the **CCG**.

### **OVERT ACTS**

In furtherance of the conspiracy, and to accomplish its objects, the following overt acts, among others, were performed by the defendants in Philadelphia, in the Eastern District of Pennsylvania and elsewhere:

#### ***CCG Cocaine and Crack Cocaine Sales in the 2000 Block of South Cecil Street***

1. On or about February 1, 2000, defendant **KEENAN BROWN** possessed cocaine base (“crack”) (hereafter “crack cocaine”), in the vicinity of the 2000 block of South Cecil Street for sale to **CCG** customers.
2. On or about February 3, 2000, defendant **ROBERT COOPER** sold crack cocaine to **CCG** customers, in the vicinity of the 2000 block of South Cecil Street.
3. On or about October 26, 2000, defendants **CHARLTON CUSTIS** and **KEENAN BROWN** sold crack cocaine to a **CCG** customer and possessed approximately 24 additional packets containing crack cocaine, in the vicinity of the 2000 block of South Cecil Street, for sale to other **CCG** customers.
4. On or about December 5, 2000, defendant **CHARLTON CUSTIS** sold cocaine base (“crack”), in the vicinity of the 2000 block of South Cecil Street.
5. On or about February 15, 2001, defendant **KEENAN BROWN** possessed approximately 66 packets containing cocaine base (“crack”), in the vicinity of the 2000 block of South Cecil Street, for sale to **CCG** customers.
6. On or about October 28, 2002, defendant **KEENAN BROWN** possessed a Baikal, Model IJ-70, .380 caliber semi-automatic pistol, serial number A013845, loaded with 4

live rounds of ammunition, in the vicinity of the 2000 block of South Cecil Street.

7. On or about February 4, 2004, defendant **KEENAN BROWN** possessed a Ruger, Model GP100, .357 caliber revolver, serial number 1790-73433, loaded with 6 live rounds of ammunition, in the vicinity of the 2000 block of South Cecil Street.

8. On or about April 8, 2004, defendant **CHARLTON CUSTIS** possessed crack cocaine for sale to **CCG** customers in addition to approximately \$1,034 in drug proceeds, in the vicinity of the 2000 block of South Cecil Street.

9. On or about September 29, 2004, defendant **AL ZUAGAR** possessed approximately 13.3 grams of cocaine base (“crack”) for sale to **CCG** customers, at 5724 Filbert Street, and a Radom, Model 35, caliber 9 millimeter, semi-automatic pistol, serial number A8512.

10. On or about October 2, 2004, defendant **CHARLTON CUSTIS** possessed crack cocaine for sale to **CCG** customers, in the vicinity of the 2000 block of South Cecil Street.

11. On or about December 7, 2004, defendant **ALTON COLES** met with defendant **CHARLTON CUSTIS** near 5800 Woodland Avenue, in Philadelphia, for the purpose of conducting a sale of cocaine.

12. On or about January 7, 2005, defendant **CHARLTON CUSTIS** possessed approximately 49 grams of crack cocaine, digital scales, and approximately \$1,440 in cash.

13. On or about March 24, 2005, defendant **CHARLTON CUSTIS** possessed approximately 10.8 grams of cocaine and a Ruger, Model P93DC, 9 millimeter pistol, serial number 306-01790, loaded with 12 rounds of ammunition at 2032 South Cecil Street.

14. On or about April 5, 2005, defendants **CHARLTON CUSTIS** and

**ROBERT COOPER** sold crack cocaine, in the vicinity of the 2000 block of South Cecil Street.

15. On or about April 18, 2005, defendant **CHARLTON CUSTIS** used a telephone to arrange for the sale of crack cocaine.

16. On or about April 18, 2005, defendant **CHARLTON CUSTIS** sold cocaine base (“crack”), in the vicinity of the 2000 block of South Cecil Street.

17. On or about May 25, 2005, defendant **AL ZUAGAR** used a telephone to arrange for the sale of approximately one ounce of crack cocaine.

18. On or about May 25, 2005, defendant **KEENAN BROWN** used a telephone to arrange for the sale of approximately one ounce of crack cocaine.

19. On or about May 25, 2005, defendants **AL ZUAGAR** and **KEENAN BROWN** sold approximately 21 grams of crack cocaine, in the vicinity of the 2000 block of South Cecil Street.

20. On or about May 26, 2005, defendant **KEENAN BROWN** used a telephone to discuss the sale of approximately 21 grams of crack cocaine that had occurred on May 25, 2005.

21. On or about June 8, 2005, defendant **AL ZUAGAR** used a telephone to arrange the sale of approximately two ounces of crack cocaine.

22. On or about June 9, 2005, defendant **AL ZUAGAR** used a telephone to arrange the sale of approximately two ounces of crack cocaine.

23. On or about June 9, 2005, defendant **AL ZUAGAR** sold approximately 56 grams of crack cocaine, in the vicinity of the 2000 block of South Cecil Street.

24. On or about June 20, 2005, defendant **AL ZUAGAR** used a telephone to



discuss the sale of approximately four and one-half ounces of crack cocaine.

***Illegal Firearms Possession By Defendant Alton Coles***

25. On or about March 27, 2004, defendant **ALTON COLES** possessed a Baretta, caliber 9 millimeter, semi-automatic pistol, serial number 082733MC, loaded with 7 rounds of live ammunition, in the vicinity of the 2000 block of South Cecil Street in Philadelphia.

26. On or about October 24, 2004, defendant **ALTON COLES** possessed a Smith & Wesson, caliber 9 millimeter, semi-automatic handgun, serial number TEU8998, loaded with four live rounds of ammunition, while operating a Bentley automobile near Sixth and Spring Garden Streets in Philadelphia.

27. On or about August 10, 2005, defendant **ALTON COLES** possessed at the apartment located at 339 East Essex Street, in Landsdowne, Pennsylvania, one or more of the firearms and ammunition listed below in Overt Act Paragraph 53 of Count One.

***Defendant Jamar Campbell's Possession of Cocaine, Crack Cocaine, and a Firearm***

28. On or about May 16, 2005, while driving a car in Delaware County, Pennsylvania, defendant **JAMAR CAMPBELL** possessed approximately 124.5 grams of cocaine and a Glock, Model 23, caliber .40 Smith & Wesson, serial number AFB794US semi-automatic pistol, loaded with 9 rounds of live ammunition. Defendant **CAMPBELL** also possessed approximately 187.28 grams of cocaine found inside the lining of a pair of his fireman's boots, from inside defendant **CAMPBELL's** car, that was not recovered by police until on or about May 19, 2005.

29. On or about May 19, 2005, during a telephone conversation, defendants **ALTON COLES** and **JAMAR CAMPBELL** discussed defendant **CAMPBELL's** May 16,

2005 arrest for drug and firearms violations and the current location of the car defendant **CAMPBELL** was driving that was seized by the police. Defendant **COLES** told defendant **CAMPBELL** that he should retrieve the hidden crack cocaine, referred by **CCG** conspirators as “work” from the car, as well as a cellular telephone, and directed defendant **CAMPBELL** to shut the telephone off.

30. On or about May 19, 2005, during a telephone conversation, defendant **ALTON COLES** discussed defendant **JAMAR CAMPBELL**’s May 16, 2005 arrest and that defendant **COLES** took a loss because of the arrest.

31. On or about May 20, 2005, during a telephone conversation, defendants **ALTON COLES** and **JAMAR CAMPBELL** discussed the **CAMPBELL**’s May 16, 2005 arrest, the recovery of defendant **CAMPBELL**’s seized automobile, and the status of the cocaine in his fireman’s boots.

***The June 28, 2005 Delivery of Cocaine to Defendant Gary Creek***

On or about June 28, 2005:

32. Defendant **ALTON COLES** gave defendant **GARY CREEK** directions to a location in Southwest Philadelphia for the purpose of delivering approximately 484 grams of cocaine to defendant **CREEK**.

33. Defendant **GARY CREEK** and a person known to the grand jury drove in separate cars to a location in the area of Island and Elmwood Avenues in Southwest Philadelphia, where defendant **DONTE TUCKER** arrived in his own vehicle.

34. Defendant **DONTE TUCKER** subsequently delivered approximately 484 grams of cocaine to a person known to the grand jury working at the direction of defendant

**GARY CREEK.**

35. After receiving the cocaine, the person known to the grand jury and defendant **GARY CREEK** drove away in separate vehicles, when they were each stopped by the police, who recovered the 484 grams of cocaine from the person known to the grand jury's vehicle.

36. Within a short period of time following the stop by police of defendant **GARY CREEKS's** vehicle and the vehicle of the person known to the grand jury, defendant **ALTON COLES** spoke on the telephone with a person unknown to the grand jury and discussed whether defendant **CREEK** had been arrested. Defendant **COLES** also asked what name defendant **CREEK** would give the police, so that defendant **COLES** could send a lawyer to represent him.

37. Subsequently, during a telephone conversation, defendant **ALTON COLES** told defendant **MONIQUE PULLINS** about defendant **GARY CREEK's** arrest.

***Defendant Timothy Baukman Possession of Crack Cocaine and Firearms***

38. On or about June 9, 1999, defendant **TIMOTHY BAUKMAN** possessed approximately eight grams of cocaine base ("crack") outside 2661 South Holbrook Street in Philadelphia, a property used by defendant **ALTON COLES**.

39. On or about September 28, 1999, defendant **TIMOTHY BAUKMAN** sold cocaine and possessed approximately 89 milligrams of cocaine at the corner of 56th Street and Woodland Avenue in Philadelphia, an area defendant **ALTON COLES** used to distribute cocaine.

40. On or about August 10, 2005, defendant **TIMOTHY BAUKMAN**

possessed in his residence, 2967 School House Lane, Apartment C1101, in Philadelphia, approximately \$25,000 in cash, which was proceeds of drug sales for defendant **ALTON COLES** and the following firearms and ammunition:

- a. an Ingram .9mm semi-automatic handgun, Model M11, serial number 85-0006193, loaded with 29 live rounds of .9mm ammunition;
- b. a Full Metal Jacket .9mm semi-automatic handgun, Model CM-11, serial number obliterated, loaded with 30 live rounds of .9mm ammunition; and
- c. a Taurus .38 caliber revolver, Model 85, serial number SE28453, loaded with 5 live rounds of .38 caliber ammunition.

***The Clearview Apartments Storage Facility***

41. On or about May 30, 2005, defendant **ALTON COLES** left defendant **MONIQUE PULLINS's** residence, located at 1416 Clearview Street, Apartment F520, in Philadelphia, and threw out trash containing three "kilo wrappers," which were empty wrappers that previously contained three kilograms of cocaine.

On or about July 2, 2005:

42. During a telephone conversation, defendants **MONIQUE PULLINS** and **ALTON COLES** discussed the payments received by and owed to defendant **COLES** by others for the distribution of cocaine and crack cocaine.

43. At the direction of defendant **ALTON COLES**, defendant **DANTE TUCKER** delivered cocaine to defendant **MONIQUE PULLINS** at her Clearview Street apartment. Defendant **PULLINS** subsequently delivered the cocaine to an individual, known to the grand jury only as "Ham," at the direction of defendant **COLES**.

44. During a telephone conversation, defendant **ALTON COLES** asked defendant **MONIQUE PULLINS** whether he had any cocaine stored at her Clearview Street apartment.

45. On or about August 10, 2005:

a. Defendant **MONIQUE PULLINS** possessed a “tally sheet” in her Clearview Street apartment indicating payments made and owing to defendant **ALTON COLES** for the sale of cocaine; and

b. At the direction of defendant **COLES**, defendant **PULLINS** attempted to discard a Glock .9mm semi-automatic handgun, Model 19, serial number GM253US, loaded with 16 live rounds of .9mm ammunition, by throwing it down the trash chute in the building.

***Defendant Hakiem Johnson’s Possession and Sale of Cocaine and Firearms***

46. On or about January 21, 2003, defendant **TERRY WALKER** delivered approximately 246 grams of cocaine to defendant **HAKIEM JOHNSON** for resale.

47. On or about August 10, 2005, defendant **HAKIEM JOHNSON** possessed in his residence, located at 7130 Upland Street, in Philadelphia, the following firearms and ammunition:

a. a .9mm Smith & Wesson semi-automatic handgun, Model 910, serial number VKN4799, loaded with ten live rounds of ammunition; and

b. a .45 caliber Auto Ordnance semi-automatic handgun, Model 1911 A1, serial number AOC43338, loaded with seven live rounds of ammunition.

48. On or about August 10, 2005, defendant **HAKIEM JOHNSON** possessed

in his car, a Ford Thunderbird, Pennsylvania license plate number FTE-5689, approximately 98 grams of cocaine, a digital scale, materials commonly used for packaging cocaine, and approximately 43 live rounds of .45 caliber ammunition

49. On or about July 7, 2005:

a. During telephone conversations, defendants **HAKIEM JOHNSON** and **ALTON COLES** used telephones to arrange for the delivery of cocaine to a coconspirator known to the grand jury; and

b. Defendant **JOHNSON** delivered cocaine to a coconspirator known to the grand jury.

50. On or about July 24, 2005, during telephone conversations, defendants **HAKIEM JOHNSON** and **ALTON COLES** arranged for the delivery of cocaine to a coconspirator unknown to the grand jury.

51. On or about July 29, 2005, during a telephone conversation, defendants **HAKIEM JOHNSON** and **ALTON COLES** arranged for the delivery of cocaine to defendant **JOHNSON** for resale.

***The CCG Storage Facility located at 339 East Essex Avenue***

52. From on or about a period beginning in September 2002 to on or about August 10, 2005, defendant **TIMOTHY BAUKMAN** paid the rent for the residence located at 339 East Essex Avenue in Landsdowne, Pennsylvania.

53. On or about August 10, 2005, inside the residence located at 339 East Essex Avenue in Landsdowne, defendants **ALTON COLES**, **TIMOTHY BAUKMAN**, and **DONTE TUCKER** possessed the following items:

- a. a .223 caliber Ruger rifle, Model Mini-14, serial number 186-76850;
- b. a Mossberg 12-gauge shotgun, Model 500A, serial number P219487, and two 12-gauge rounds of live ammunition;
- c. a .9mm Hi-Point rifle, Model 995, serial number A80874, loaded with 10 live rounds of .9mm ammunition;
- d. a .9mm Intratec semi-automatic handgun, Model Tec-DC9, serial number obliterated;
- e. a .9mm Leinad semi-automatic handgun, serial number 94-0019957, and a magazine containing 32 live rounds of .9mm ammunition;
- f. a .22 caliber Stoeger Arms semi-automatic handgun, Model .22 caliber Luger, serial number 31336, loaded with 11 live rounds of .22 caliber ammunition;
- g. a .357 Dan Wesson handgun, Model ..357 Magnum revolver, serial number 27755, loaded with six live rounds of ammunition;
- h. a .9mm Smith & Wesson semi-automatic handgun, Model SW9M, serial number KAA2149;
- i. a .22 magnum Davis Industries handgun, Model DW-22, serial number 210164, and 1 live round of .22 caliber ammunition;
- j. a .9mm Feg semi-automatic handgun, Model PJK-9HP, serial number B92735, loaded with 2 live rounds of .9mm ammunition;
- k. 377 additional live rounds of .9mm ammunition;
- l. six additional live rounds of .357 ammunition;

- m. one additional live round of .22 caliber ammunition;
- n. 12-ton hydraulic press used to form cocaine powder into “bricks” of kilogram quantities for sale;
- o. approximately 459 grams of cocaine;
- p. approximately seven grams of cocaine base (“crack”);
- q. sheets of paper containing notes of drug payments owed to and received by defendant **ALTON COLES**, commonly referred to as “tally sheets,”
- r. various drug paraphernalia, such as scales, bowls, manual press machine, dust masks, rubber gloves, tape, plastic bags, and cutting agents; and
- s. 44 “kilo wrappers.”

All in violation of Title 21, United States Code, Section 846.



**COUNT TWO**

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**THE GRAND JURY FURTHER CHARGES THAT:**

On or about January 7, 2005, in the Eastern District of Pennsylvania, defendant

**CHARLTON CUSTIS,  
a/k/a “Gusto,”**

knowingly and intentionally possessed with the intent to distribute five grams or more, that is, approximately 49 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B).

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about March 24, 2005, in the Eastern District of Pennsylvania, defendant

**CHARLTON CUSTIS,  
a/k/a “Gusto,”**

knowingly and intentionally possessed with intent to distribute five grams or more, that is, approximately 10.8 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B).

**COUNT FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about March 24, 2005, in the Eastern District of Pennsylvania, defendant

**CHARLTON CUSTIS,  
a/k/a “Gusto,”**

knowingly possessed a firearm, that is, a Ruger, Model P93DC, 9 millimeter pistol, serial number 306-01790, loaded with 12 live rounds of ammunition, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, possession with intent to distribute cocaine base (“crack”), a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 18, United States Code, Section 924(c)(1).

**COUNT FIVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about April 5, 2005, in the Eastern District of Pennsylvania, defendants

**CHARLTON CUSTIS,  
a/k/a “Gusto,” and  
ROBERT COOPER,  
a/k/a “O.G.,”  
a/k/a “Robert Hall,”**

knowingly and intentionally distributed, and aided and abetted the distribution of, approximately .40 grams of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C), and  
Title 18, United States Code, Section 2.

**COUNT SIX**

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**THE GRAND JURY FURTHER CHARGES THAT:**

On or about April 18, 2005, in the Eastern District of Pennsylvania, defendant

**CHARLTON CUSTIS,  
a/k/a “Gusto,”**

knowingly and intentionally distributed approximately .40 grams of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

**COUNT SEVEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about April 18, 2005, in the Eastern District of Pennsylvania, defendant

**CHARLTON CUSTIS,  
a/k/a “Gusto,”**

knowingly and intentionally used a communication facility, that is, a telephone, in facilitating the distribution of cocaine base (“crack”) described in Count Six of this Third Superseding Indictment, in violation of Title 21, United States Code, Section 841(a)(1), in that defendant **CUSTIS** used the telephone to discuss the distribution of cocaine base (“crack”) and to arrange a meeting regarding the delivery of cocaine base (“crack”) to an individual known to the grand jury.

In violation of Title 21, United States Code, Section 843(b).

**COUNT EIGHT**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about May 25, 2005, in the Eastern District of Pennsylvania, defendants

**AL ZUAGAR,**  
a/k/a “Zu,”  
a/k/a “Alfonso Zuagar,”  
a/k/a “Junior Zuagar,” and  
**KEENAN BROWN,**  
a/k/a “Nino Brown,”  
a/k/a “Dot,”

knowingly and intentionally distributed, and aided and abetted the distribution of, five grams or more, that is, approximately 21 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B), and Title 18, United States Code, Section 2.

**COUNT NINE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about May 25, 2005, in the Eastern District of Pennsylvania, defendant

**AL ZUAGAR,**  
**a/k/a “Zu,”**  
**a/k/a “Alfonso Zuagar,”**  
**a/k/a “Junior Zuagar,”**

knowingly and intentionally used a communication facility, that is, a telephone, in facilitating the distribution of cocaine base (“crack”) described in Count Eight of this Third Superseding Indictment, in violation of Title 21, United States Code, Section 841(a)(1), in that defendant **ZUAGAR** used the telephone to discuss the distribution of cocaine base (“crack”) and to arrange a meeting regarding the delivery of cocaine base (crack”) to an individual known to the grand jury.

In violation of Title 21, United States Code, Section 843(b).



**COUNT TEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about May 25, 2005, in the Eastern District of Pennsylvania, defendant

**KEENAN BROWN,  
a/k/a “Nino Brown,”  
a/k/a “Dot,”**

knowingly and intentionally used a communication facility, that is, a telephone, in facilitating the distribution of cocaine base (“crack”) described in Count Eight of this Third Superseding Indictment, in violation of Title 21, United States Code, Section 841(a)(1), in that defendant **BROWN** used the telephone to discuss the distribution of cocaine base (“crack”) and to arrange a meeting regarding the delivery of cocaine base (“crack”) to an individual known to the grand jury.

In violation of Title 21, United States Code, Section 843(b).

**COUNT ELEVEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about June 9, 2005, in the Eastern District of Pennsylvania, defendant

**AL ZUAGAR,  
a/k/a “Zu,”  
a/k/a “Alfonso Zuagar,”  
a/k/a “Junior Zuagar,”**

knowingly and intentionally distributed 50 grams or more, that is, approximately 56 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), 841(b)(1)(A).

**COUNT TWELVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about June 8, 2005, in the Eastern District of Pennsylvania, defendant

**AL ZUAGAR,**  
**a/k/a “Zu,”**  
**a/k/a “Alfonso Zuagar,”**  
**a/k/a “Junior Zuagar,”**

knowingly and intentionally used a communication facility, that is, a telephone, in facilitating the distribution of cocaine base (“crack”) described in Count Eleven of this Third Superseding Indictment, in violation of Title 21, United States Code, Section 841(a)(1), in that defendant **ZUAGAR** used the telephone to discuss the distribution of cocaine base (“crack”) and to arrange a meeting regarding the delivery of cocaine base (“crack”) to an individual known to the grand jury.

In violation of Title 21, United States Code, Section 843(b).

**COUNT THIRTEEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about June 9, 2005, in the Eastern District of Pennsylvania, defendant

**AL ZUAGAR,  
a/k/a “Zu,”  
a/k/a “Alfonso Zuagar,”  
a/k/a “Junior Zuagar,”**

knowingly and intentionally used a communication facility, that is, a telephone, in facilitating the distribution of cocaine base (“crack”) described in Count Eleven of this Third Superseding Indictment, in violation of Title 21, United States Code, Section 841(a)(1), in that defendant **ZUAGAR** used the telephone to discuss the distribution of cocaine base (“crack”) and to arrange a meeting regarding the delivery of cocaine base (“crack”) to an individual known to the grand jury.

In violation of Title 21, United States Code, Section 843(b).

**COUNT FOURTEEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about June 20, 2005, in the Eastern District of Pennsylvania, defendant

**AL ZUAGAR,**  
**a/k/a “Zu,”**  
**a/k/a “Alfonso Zuagar,”**  
**a/k/a “Junior Zuagar,”**

knowingly and intentionally used a communication facility, that is, a telephone, in facilitating the attempted distribution of cocaine base (“crack”), a Schedule II controlled substance, in violation of Title 21, United States Code, Section 846, in that defendant **ZUAGAR** used the telephone to discuss the distribution of cocaine base (“crack”) and to arrange a meeting regarding the delivery of cocaine base (“crack”) to an individual known to the grand jury.

In violation of Title 21, United States Code, Section 843(b).

**COUNT FIFTEEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about May 16, 2005, in the Eastern District of Pennsylvania, defendant

**JAMAR CAMPBELL,  
a/k/a “Mar,”**

knowingly and intentionally possessed with intent to distribute approximately 124.5 grams of a mixture and substance containing a detectible amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

**COUNT SIXTEEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

From on or about May 16, to on or about May 19, 2005, in the Eastern District of Pennsylvania, defendant

**JAMAR CAMPBELL,  
a/k/a “Mar,”**

knowingly and intentionally possessed with intent to distribute approximately 187.28 grams of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

**COUNT SEVENTEEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about May 16, 2005, in the Eastern District of Pennsylvania, defendant

**JAMAR CAMPBELL,  
a/k/a “Mar,”**

knowingly possessed a firearm, that is, a Glock, Model 23, caliber .40 Smith & Wesson, serial number AFB794US semi-automatic pistol, loaded with nine rounds of live ammunition, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, possession with the intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), and conspiracy to distribute cocaine and cocaine base (“crack”), in violation of Title 21, United States Code, Section 846.

In violation of Title 18, United States Code, Section 924(c)(1).



**COUNT EIGHTEEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about May 16, 2005, in the Eastern District of Pennsylvania, defendant

**JAMAR CAMPBELL,  
a/k/a “Mar,”**

knowingly carried a firearm, that is, a Glock, Model 23, caliber .40 Smith & Wesson, serial number AFB794US semi-automatic pistol, loaded with nine rounds of live ammunition, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, possession with the intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), and conspiracy to distribute cocaine and cocaine base (“crack”), in violation of Title 21, United States Code, Section 846.

In violation of Title 18, United States Code, Section 924(c)(1).

**COUNT NINETEEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about May 19, 2005, in the Eastern District of Pennsylvania, defendants

**ALTON COLES,**  
a/k/a “Ace,”  
a/k/a “Ace Capone,”  
a/k/a “Naseem Coles,”  
a/k/a “Naiil Johnson,”  
a/k/a “Lamar Johnson,” and  
**JAMAR CAMPBELL,**  
a/k/a “Mar,”

knowingly and intentionally used a communication facility, that is, a telephone, in facilitating the conspiracy described in Count One of this Third Superseding Indictment, in violation of Title 21, United States Code, Section 846, and the possession with intent to distribute approximately 187.28 grams of cocaine described in Count Sixteen, drug felonies, in that the defendants used a telephone to discuss how to recover cocaine left by defendant **CAMPBELL** in a pair of fireman’s boots in defendant **CAMPBELL’s** car at the time of his arrest by police.

All in violation of Title 21, United States Code, Section 843(b).

**COUNT TWENTY**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about June 28, 2005, in the Eastern District of Pennsylvania, defendant

**GARY CREEK,  
a/k/a “Dirtbike HOV,”**

knowingly and intentionally possessed with intent to distribute approximately 484 grams of a mixture and substance containing a detectible amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

**COUNT TWENTY-ONE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about June 28, 2005, in the Eastern District of Pennsylvania, defendants

**ALTON COLES,**  
a/k/a “Ace,”  
a/k/a “Ace Capone,”  
a/k/a “Naseem Coles,”  
a/k/a “Naiil Johnson,”  
a/k/a “Lamar Johnson,” and  
**DANTE TUCKER,**  
a/k/a “Dant,”

knowingly and intentionally distributed, and aided and abetted the distribution of, approximately 484 grams of a mixture and substance containing a detectible amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C), and Title 18, United States Code, Section 2.

**COUNT TWENTY-TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about June 28, 2005, in the Eastern District of Pennsylvania, defendants

**ALTON COLES,**  
a/k/a “Ace,”  
a/k/a “Ace Capone,”  
a/k/a “Naseem Coles,”  
a/k/a “Naiil Johnson,”  
a/k/a “Lamar Johnson,” and  
**GARY CREEK,**  
a/k/a “Dirtbike HOV,”

knowingly and intentionally used a communication facility, that is, a telephone, in facilitating the conspiracy described in Count One of this Third Superseding Indictment, in violation of Title 21, United States Code, Section 846, a drug felony, and the distribution of approximately 484 grams of cocaine described in Count Twenty, in that the defendants used a telephone to discuss a meeting to deliver cocaine to defendant **CREEK**.

All in violation of Title 21, United States Code, Section 843(b).

**COUNT TWENTY-THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about June 28, 2005, in the Eastern District of Pennsylvania, defendants

**ALTON COLES,**  
a/k/a “Ace,”  
a/k/a “Ace Capone,”  
a/k/a “Naseem Coles,”  
a/k/a “Naiil Johnson,”  
a/k/a “Lamar Johnson,” and  
**DANTE TUCKER,**  
a/k/a “Dant,”

knowingly and intentionally used a communication facility, that is, a telephone, in facilitating the conspiracy described in Count One of this Third Superseding Indictment, in violation of Title 21, United States Code, Section 846, a drug felony, in that the defendants used a telephone to discuss defendant **GARY CREEK**’s arrest.

All in violation of Title 21, United States Code, Section 843(b).

**COUNT TWENTY-FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about June 28, 2005, in the Eastern District of Pennsylvania, defendant

**ALTON COLES,  
a/k/a “Ace,”  
a/k/a “Ace Capone,”  
a/k/a “Naseem Coles,”  
a/k/a “Naiil Johnson,”  
a/k/a “Lamar Johnson,”**

knowingly and intentionally used a communication facility, that is, a telephone, in facilitating the conspiracy described in Count One of this Third Superseding Indictment, in violation of Title 21, United States Code, Section 846, a drug felony, in that the defendant used a telephone to determine what name defendant **GARY CREEK** would be using so that defendant **COLES** could supply defendant **CREEK** with an attorney.

All in violation of Title 21, United States Code, Section 843(b).

**COUNT TWENTY-FIVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about June 28, 2005, in the Eastern District of Pennsylvania, defendants

**ALTON COLES,**  
a/k/a “Ace,”  
a/k/a “Ace Capone,”  
a/k/a “Naseem Coles,”  
a/k/a “Naiil Johnson,”  
a/k/a “Lamar Johnson,” and  
**JAMAR CAMPBELL,**  
a/k/a “Mar,”

knowingly and intentionally used a communication facility, that is, a telephone, in facilitating the conspiracy described in Count One of this Third Superseding Indictment, in violation of Title 21, United States Code, Section 846, a drug felony, in that the defendant **COLES** used a telephone to notify defendant **CAMPBELL** that defendant **CREEK** had been arrested.

All in violation of Title 21, United States Code, Section 843(b).



**COUNT TWENTY-SIX**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about July 2, 2005, in the Eastern District of Pennsylvania, defendants

**ALTON COLES,**  
a/k/a “Ace,”  
a/k/a “Ace Capone,”  
a/k/a “Naseem Coles,”  
a/k/a “Naiil Johnson,”  
a/k/a “Lamar Johnson,” and  
**DANTE TUCKER,**  
a/k/a “Dant,”

knowingly and intentionally used a communication facility, that is, a telephone, in facilitating the conspiracy described in Count One of this Third Superseding Indictment, in violation of Title 21, United States Code, Section 846, a drug felony, in that the defendant **COLES** used a telephone to direct defendant **TUCKER** to distribute cocaine to defendant **PULLINS**.

All in violation of Title 21, United States Code, Section 843(b).

**COUNT TWENTY-SEVEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about July 2, 2005, in the Eastern District of Pennsylvania, defendants

**ALTON COLES,  
a/k/a “Ace,”  
a/k/a “Ace Capone,”  
a/k/a “Naseem Coles,”  
a/k/a “Naiil Johnson,”  
a/k/a “Lamar Johnson,” and  
MONIQUE PULLINS**

knowingly and intentionally used a communication facility, that is, a telephone, in facilitating the conspiracy described in Count One of this Third Superseding Indictment, in violation of Title 21, United States Code, Section 846, a drug felony, in that the defendant **COLES** used a telephone to direct defendant **PULLINS** to distribute cocaine to an individual unknown to the grand jury.

All in violation of Title 21, United States Code, Section 843(b).

**COUNT TWENTY-EIGHT**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about July 2, 2005, in the Eastern District of Pennsylvania, defendants

**ALTON COLES,  
a/k/a “Ace,”  
a/k/a “Ace Capone,”  
a/k/a “Naseem Coles,”  
a/k/a “Naiil Johnson,”  
a/k/a “Lamar Johnson,” and  
MONIQUE PULLINS**

knowingly and intentionally used a communication facility, that is, a telephone, in facilitating the conspiracy described in Count One of this Third Superseding Indictment, in violation of Title 21, United States Code, Section 846, a drug felony, in that the defendant **COLES** used a telephone to talk to defendant **PULLINS** about payments received by and owed to defendant **COLES** by others for the distribution of cocaine and cocaine base.

All in violation of Title 21, United States Code, Section 843(b).

**COUNT TWENTY-NINE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about July 2, 2005, in the Eastern District of Pennsylvania, defendants

**ALTON COLES,**  
a/k/a “Ace,”  
a/k/a “Ace Capone,”  
a/k/a “Naseem Coles,”  
a/k/a “Naiil Johnson,”  
a/k/a “Lamar Johnson,” and  
**MONIQUE PULLINS**

knowingly and intentionally used a communication facility, that is, a telephone, in facilitating the conspiracy described in Count One of this Third Superseding Indictment, in violation of Title 21, United States Code, Section 846, a drug felony, and the maintenance of a storage facility described in Count Thirty of this Third Superseding Indictment, in violation of Title 21, United States Code, Section 856(a)(2), in that the defendant **COLES** asked defendant **PULLINS** whether he had any cocaine stored at the residence located at 1416 Clearview Street, Apartment F520, in Philadelphia.

All in violation of Title 21, United States Code, Section 843(b).

**COUNT THIRTY**

**THE GRAND JURY FURTHER CHARGES THAT:**

From at least on or about May 30, 2005, to on or about August 10, 2005, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**ALTON COLES,  
a/k/a “Ace,”  
a/k/a “Ace Capone,”  
a/k/a “Naseem Coles,”  
a/k/a “Naiil Johnson,”  
a/k/a “Lamar Johnson,” and  
MONIQUE PULLINS**

managed and controlled the apartment located at 1416 Clearview Street, Apartment F520, as a lessee, and knowingly and intentionally made available for use this apartment for the purpose of unlawfully storing and distributing a controlled substance, that is, cocaine, a Schedule II controlled substance, for defendant **ALTON COLES**.

In violation of Title 21, United States Code, Section 856(a)(2), Title 18, United States Code, Section 2.

**COUNT THIRTY-ONE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about January 21, 2003, in the Eastern District of Pennsylvania, defendant

**TERRY WALKER,  
a/k/a "Taz,"**

knowingly and intentionally distributed approximately 246 grams of a mixture and substance containing a detectible amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

**COUNT THIRTY-TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about August 10, 2005, in the Eastern District of Pennsylvania, defendant

**HAKIEM JOHNSON,  
a/k/a “Hak,”  
a/k/a “Uncle Hak,”  
a/k/a “Unc,”**

knowingly and intentionally possessed with the intent to distribute approximately 98 grams of a mixture and substance containing a detectible amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(C).

**COUNT THIRTY-THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about August 10, 2005, in the Eastern District of Pennsylvania, defendant

**HAKIEM JOHNSON,  
a/k/a “Hak,”  
a/k/a “Uncle Hak,”  
a/k/a “Unc,”**

knowingly possessed a firearm, that is, (i) a .9mm Smith & Wesson semi-automatic handgun, Model 910, serial number VKN4799, loaded with 10 live rounds of ammunition, and (ii) a .45 caliber Auto Ordnance semi-automatic handgun, Model 1911 A1, serial number AOC43338, loaded with seven live rounds of ammunition, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, conspiracy to distribute cocaine and cocaine base (“crack”), as described in Count One of this Third Superseding Indictment, in violation of Title 21, United States Code, Section 846, and possession with the intent to distribute a controlled substance, as described in Count Thirty-Two of this Third Superseding Indictment, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 18, United States Code, Section 924(c)(1).



**COUNT THIRTY-FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about July 24, 2005, in the Eastern District of Pennsylvania, defendants

**ALTON COLES,**  
a/k/a “Ace,”  
a/k/a “Ace Capone,”  
a/k/a “Naseem Coles,”  
a/k/a “Naiil Johnson,”  
a/k/a “Lamar Johnson,” and  
**HAKIEM JOHNSON,**  
a/k/a “Hak,”  
a/k/a “Uncle Hak,”  
a/k/a “Unc,”

knowingly and intentionally used a communication facility, that is, a telephone, in facilitating the conspiracy described in Count One of this Third Superseding Indictment, in violation of Title 21, United States Code, Section 846, a drug felony, in that defendants arranged for the delivery of cocaine to an individual unknown to the grand jury.

All in violation of Title 21, United States Code, Section 843(b).

**COUNT THIRTY-FIVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about July 29, 2005, in the Eastern District of Pennsylvania, defendants

**ALTON COLES,**  
a/k/a “Ace,”  
a/k/a “Ace Capone,”  
a/k/a “Naseem Coles,”  
a/k/a “Naiil Johnson,”  
a/k/a “Lamar Johnson,” and  
**HAKIEM JOHNSON,**  
a/k/a “Hak,”  
a/k/a “Uncle Hak,”  
a/k/a “Unc,”

knowingly and intentionally used a communication facility, that is, a telephone, in facilitating the conspiracy described in Count One of this Third Superseding Indictment, in violation of Title 21, United States Code, Section 846, a drug felony, in that defendants arranged for the delivery of cocaine to defendant **JOHNSON** for resale.

All in violation of Title 21, United States Code, Section 843(b).

**COUNT THIRTY-SIX**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about August 10, 2005, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**TIMOTHY BAUKMAN,  
a/k/a “Tauheed Baukman,”  
a/k/a “Tim Gotti,”  
a/k/a “T Dog,”**

knowingly possessed firearms, that is, (i) an Ingram .9mm semi-automatic handgun, Model M11, serial number 85-0006193, loaded with 29 live rounds of .9mm ammunition; (ii) a Full Metal Jacket .9mm semi-automatic handgun, Model CM-11, serial number obliterated, loaded with 30 live rounds of .9mm ammunition; and (iii) a Taurus .38 caliber revolver, Model 85, serial number SE28453, loaded with five live rounds of .38 caliber ammunition, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, conspiracy to distribute cocaine and cocaine base (“crack”), as described in Count One of this Third Superseding Indictment, in violation of Title 21, United States Code, Section 846.

In violation of Title 18, United States Code, Section 924(c)(1).

**COUNT THIRTY-SEVEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

From at least on or about a period beginning in September 2002 to on or about August 10, 2005, in the Eastern District of Pennsylvania, defendants

**ALTON COLES,**  
a/k/a "Ace,"  
a/k/a "Ace Capone,"  
a/k/a "Naseem Coles,"  
a/k/a "Naiil Johnson,"  
a/k/a "Lamar Johnson,"  
**DANTE TUCKER,**  
a/k/a "Dant," and  
**TIMOTHY BAUKMAN,**  
a/k/a "Tauheed Baukman,"  
a/k/a "Tim Gotti,"  
a/k/a "T Dog,"

managed and controlled the apartment located at 339 East Essex Avenue, Landsdowne, Pennsylvania, as lessees and occupants, and knowingly and intentionally made available for use this apartment for the purpose of unlawfully storing and distributing a controlled substance, that is, cocaine, a Schedule II controlled substance, for defendant **ALTON COLES**.

In violation of Title 21, United States Code, Section 856(a)(2), Title 18, United States Code, Section 2.

**COUNT THIRTY-EIGHT**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about August 10, 2005, in the Eastern District of Pennsylvania, defendants

**ALTON COLES,**  
a/k/a “Ace,”  
a/k/a “Ace Capone,”  
a/k/a “Naseem Coles,”  
a/k/a “Naiil Johnson,”  
a/k/a “Lamar Johnson,”  
**DANTE TUCKER,**  
a/k/a “Dant,” and  
**TIMOTHY BAUKMAN,**  
a/k/a “Tauheed Baukman,”  
a/k/a “Tim Gotti,”  
a/k/a “T Dog,”

knowingly and intentionally possessed with the intent to distribute approximately 495 grams of a mixture and substance containing a detectible amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

**COUNT THIRTY-NINE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about August 10, 2005, in the Eastern District of Pennsylvania, defendants

**ALTON COLES,**  
a/k/a “Ace,”  
a/k/a “Ace Capone,”  
a/k/a “Naseem Coles,”  
a/k/a “Naiil Johnson,”  
a/k/a “Lamar Johnson,”  
**DANTE TUCKER,**  
a/k/a “Dant,” and  
**TIMOTHY BAUKMAN,**  
a/k/a “Tauheed Baukman,”  
a/k/a “Tim Gotti,”  
a/k/a “T Dog,”

knowingly possessed a firearm, that is, (i) a .223 caliber Ruger rifle, Model Mini-14, serial number 186-76850; (ii) a Mossberg 12-gauge shotgun, Model 500A, serial number P219487, and two 12-gauge rounds of live ammunition; (iii) a .9mm Hi-Point rifle, Model 995, serial number A80874, loaded with 10 live rounds of .9mm ammunition; (iv) a .9mm Intratec semi-automatic handgun, Model Tec-DC9, serial number obliterated; (v) a .9mm Leinad semi-automatic handgun, serial number 94-0019957, and a magazine containing 32 live rounds of .9mm ammunition; (vi) a .22 caliber Stoeger Arms semi-automatic handgun, Model .22 caliber Luger, serial number 31336, loaded with 11 live rounds of .22 caliber ammunition; (vii) a .357 Dan Wesson handgun, Model .357 Magnum revolver, serial number 27755, loaded with 6 live rounds of ammunition; (viii) a .9mm Smith & Wesson semi-automatic handgun, Model SW9M, serial number KAA2149; (ix) a .22 magnum Davis Industries handgun, Model DW-22, serial number 210164, and 1 live round of .22 caliber ammunition; and (x) a .9mm Feg semi-automatic

handgun, Model PJK-9HP, serial number B92735, loaded with 2 live rounds of .9mm ammunition, in furtherance of a drug trafficking crime for which they may be prosecuted in a court of the United States, that is, conspiracy to distribute cocaine and cocaine base (“crack”), as described in Count One of this Third Superseding Indictment, in violation of Title 21, United States Code, Section 846, and possession with the intent to distribute a controlled substance, as described in Count Thirty-Eight of this Third Superseding Indictment, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 18, United States Code, Section 924(c)(1).

**COUNT FORTY**

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**THE GRAND JURY FURTHER CHARGES THAT:**

On or about March 27, 2004, in the Eastern District of Pennsylvania, defendant

**ALTON COLES,  
a/k/a “Ace,”  
a/k/a “Ace Capone,”  
a/k/a “Naseem Coles,”  
a/k/a “Naiil Johnson,”  
a/k/a “Lamar Johnson,”**

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is, a Baretta, caliber 9 millimeter, semi-automatic pistol, serial number 082733MC, loaded with seven rounds of live ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).



**COUNT FORTY-ONE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about October 24, 2004, in the Eastern District of Pennsylvania, defendant

**ALTON COLES,  
a/k/a “Ace,”  
a/k/a “Ace Capone,”  
a/k/a “Naseem Coles,”  
a/k/a “Naiil Johnson,”  
a/k/a “Lamar Johnson,”**

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is, a silver and black Smith & Wesson 9 millimeter semi-automatic handgun, serial number TEU8998, loaded with four rounds of live ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).

**COUNT FORTY-TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about August 10, 2005, in the Eastern District of Pennsylvania, defendant

**HAKIEM JOHNSON,  
a/k/a “Hak,”  
a/k/a “Uncle Hak,”  
a/k/a “Unc,”**

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is, (i) a .9mm Smith & Wesson semi-automatic handgun, Model 910, serial number VKN4799, loaded with 10 live rounds of ammunition, and (ii) a .45 caliber Auto Ordnance semi-automatic handgun, Model 1911 A1, serial number AOC43338, loaded with seven live rounds of ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).

**COUNT FORTY-THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about August 10, 2005, in the Eastern District of Pennsylvania, defendant

**DANTE TUCKER,  
a/k/a “Dant,”**

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is, (i) a .223 caliber Ruger rifle, Model Mini-14, serial number 186-76850; (ii) a Mossberg 12-gauge shotgun, Model 500A, serial number P219487, and two 12-gauge rounds of live ammunition; (iii) a .9mm Hi-Point rifle, Model 995, serial number A80874, loaded with 10 live rounds of .9mm ammunition; (iv) a .9mm Intratec semi-automatic handgun, Model Tec-DC9, serial number obliterated; (v) a .9mm Leinad semi-automatic handgun, serial number 94-0019957, and a magazine containing 32 live rounds of .9mm ammunition; (vi) a .22 caliber Stoen Arms semi-automatic handgun, Model .22 caliber Luger, serial number 31336, loaded with 11 live rounds of .22 caliber ammunition; (vii) a .357 Dan Wesson handgun, Model ..357 Magnum revolver, serial number 27755, loaded with six live rounds of ammunition; (viii) a .9mm Smith & Wesson semi-automatic handgun, Model SW9M, serial number KAA2149; (ix) a .22 magnum Davis Industries handgun, Model DW-22, serial number 210164, and one live round of .22 caliber ammunition; and (x) a .9mm Feg semi-automatic handgun, Model PJK-9HP, serial number B92735, loaded with two live rounds of .9mm ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).

**COUNT FORTY-FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about August 10, 2005, in the Eastern District of Pennsylvania, defendant

**ALTON COLES,  
a/k/a “Ace,”  
a/k/a “Ace Capone,”  
a/k/a “Naseem Coles,”  
a/k/a “Nail Johnson,”  
a/k/a “Lamar Johnson,”**

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is, (i) a .223 caliber Ruger rifle, Model Mini-14, serial number 186-76850; (ii) a Mossberg 12-gauge shotgun, Model 500A, serial number P219487, and two 12-gauge rounds of live ammunition; (iii) a .9mm Hi-Point rifle, Model 995, serial number A80874, loaded with 10 live rounds of .9mm ammunition; (iv) a .9mm Intratec semi-automatic handgun, Model Tec-DC9, serial number obliterated; (v) a .9mm Leinad semi-automatic handgun, serial number 94-0019957, and a magazine containing 32 live rounds of .9mm ammunition; (vi) a .22 caliber Stoen Arms semi-automatic handgun, Model .22 caliber Luger, serial number 31336, loaded with 11 live rounds of .22 caliber ammunition; (vii) a .357 Dan Wesson handgun, Model .357 Magnum revolver, serial number 27755, loaded with six live rounds of ammunition; (viii) a .9mm Smith & Wesson semi-automatic handgun, Model SW9M, serial number KAA2149; (ix) a .22 magnum Davis Industries handgun, Model DW-22, serial number 210164, and one live round of .22 caliber ammunition; and (x) a .9mm Feg semi-automatic handgun, Model PJK-9HP, serial number B92735, loaded with two live rounds of .9mm ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).

## **NOTICE OF FORFEITURE**

### **THE GRAND JURY FURTHER CHARGES THAT:**

1. As a result of the violations of Title 21, United States Code, Sections 841(a), 843(b), and 846, set forth in this Third Superseding Indictment, defendants

**ALTON COLES,**

a/k/a "Ace,"

a/k/a "Ace Capone,"

a/k/a "Fat Boy,"

a/k/a "Naseem Coles,"

a/k/a "Lamar Johnson,"

a/k/a "Nail Johnson,"

**TIMOTHY BAUKMAN,**

a/k/a "Tauheed Baukman,"

a/k/a "Tim Gotti,"

a/k/a "T,"

**HAKIEM JOHNSON,**

a/k/a "Hak,"

a/k/a "Uncle Hak,"

a/k/a "Unc,"

**DANTE TUCKER,**

a/k/a "Dant,"

**TERRY WALKER,**

a/k/a "Taz,"

**AL ZUAGAR,**

a/k/a "Zu,"

a/k/a "Alfonso Zuagar,"

a/k/a "Junior Zuagar,"

**CHARLTON CUSTIS,**

a/k/a "Gusto,"

**KEENAN BROWN,**

a/k/a "Nino Brown,"

a/k/a "Dot,"

**ROBERT COOPER,**

a/k/a "O.G.,"

a/k/a "Robert Hall,"

**JAMAR CAMPBELL,**

a/k/a "Mar,"

**GARY CREEK,**

a/k/a "Dirtbike HOV," and

**MONIQUE PULLINS**

shall forfeit to the United States

(a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses, and

(b) any property constituting, or derived from, proceeds obtained directly or indirectly from the commission of such offenses.

(2) If any of the property subject to forfeiture, as a result of any act or omission of the defendants:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the Court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty; it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.

3. As a result of the violations of Title 18, United States Code, Sections 922(g)(1) and 924(c), set forth in this Third Superseding Indictment, defendants

**ALTON COLES,**  
**a/k/a “Ace,”**  
**a/k/a “Ace Capone,”**  
**a/k/a “Fat Boy,”**  
**a/k/a “Naseem Coles,”**

**a/k/a “Lamar Johnson,”**  
**a/k/a “Naiil Johnson,”**  
**TIMOTHY BAUKMAN,**  
**a/k/a “Tauheed Baukman,”**  
**a/k/a “Tim Gotti,”**  
**a/k/a “T,”**  
**HAKIEM JOHNSON,**  
**a/k/a “Hak,”**  
**a/k/a “Uncle Hak,”**  
**a/k/a “Unc,”**  
**DANTE TUCKER,**  
**a/k/a “Dant,”**  
**TERRY WALKER,**  
**a/k/a “Taz,”**  
**AL ZUAGAR,**  
**a/k/a “Zu,”**  
**a/k/a “Alfonso Zuagar,”**  
**a/k/a “Junior Zuagar,”**  
**CHARLTON CUSTIS,**  
**a/k/a “Gusto,”**  
**KEENAN BROWN,**  
**a/k/a “Nino Brown,”**  
**a/k/a “Dot,”**  
**ROBERT COOPER,**  
**a/k/a “O.G.,”**  
**a/k/a “Robert Hall,”**  
**JAMAR CAMPBELL,**  
**a/k/a “Mar,”**  
**GARY CREEK,**  
**a/k/a “Dirtbike HOV,” and**  
**MONIQUE PULLINS**

shall forfeit to the United States of America all firearms and ammunition involved in the commission of such offenses, including, but not limited to:

- a. a Baikal, Model IJ-70, .380 caliber semi-automatic pistol, serial number A013845, loaded with four live rounds of ammunition;
- b. a Ruger, Model GP100, .357 caliber revolver, serial number 1790-73433, loaded with six live rounds of ammunition;

- c. a Ruger, Model P93DC, 9 millimeter pistol, serial number 306-01790, loaded with 12 live rounds of ammunition;
- d. a Radom, Model 35, caliber 9 millimeter, semi-automatic pistol, serial number A8512;
- e. a Baretta, caliber 9 millimeter, semi-automatic pistol, serial number 082733MC, loaded with seven rounds of live ammunition;
- f. a silver and black Smith & Wesson 9 millimeter semi-automatic handgun, serial number TEU8998, loaded with four rounds of live ammunition;
- g. a Glock, Model 23, caliber .40 Smith & Wesson, semi-automatic pistol, serial number AFB794US loaded with 9 rounds of live ammunition;
- h. Ingram .9mm semi-automatic handgun, Model M11, serial number 85-0006193, loaded with 29 live rounds of .9mm ammunition;
- i. Full Metal Jacket .9mm semi-automatic handgun, Model CM-11, serial number obliterated, loaded with 30 live rounds of .9mm ammunition;
- j. Taurus .38 caliber revolver, Model 85, serial number SE28453, loaded with 5 live rounds of .38 caliber ammunition;
- k. Smith & Wesson .9mm semi-automatic handgun, Model 910, serial number VKN4799, loaded with 10 live rounds of ammunition;
- l. Auto Ordnance .45 caliber semi-automatic handgun, Model 1911 A1, serial number AOC43338, loaded with seven live rounds of ammunition;
- m. .223 caliber Ruger rifle, Model Mini-14, serial number 186-76850;
- n. Mossberg 12-guage shotgun, Model 500A, serial number P219487, and



- two 12-gauge rounds of live ammunition;
- o. .9mm Hi-Point rifle, Model 995, serial number A80874, loaded with 10 live rounds of .9mm ammunition;
  - p. .9mm Intratec semi-automatic handgun, Model Tec-DC9, serial number obliterated;
  - q. .9mm Leinad semi-automatic handgun, serial number 94-0019957, and a magazine containing 32 live rounds of .9mm ammunition;
  - r. .22 caliber Stoeger Arms semi-automatic handgun, Model .22 caliber Luger, serial number 31336, loaded with 11 live rounds of .22 caliber ammunition;
  - s. .357 Dan Wesson handgun, Model ..357 Magnum revolver, serial number 27755, loaded with six live rounds of ammunition;
  - t. .9mm Smith & Wesson semi-automatic handgun, Model SW9M, serial number KAA2149;
  - u. .22 magnum Davis Industries handgun, Model DW-22, serial number 210164, and one live round of .22 caliber ammunition;
  - v. .9mm Feg semi-automatic handgun, Model PJK-9HP, serial number B92735, loaded with 2 live rounds of .9mm ammunition;
  - w. Glock .9mm semi-automatic handgun, Model 19, serial number GM253US, loaded with 16 live rounds of .9mm ammunition;
  - x. 377 additional live rounds of .9mm ammunition;

y. 6 additional live rounds of .357 ammunition; and

z. 1 additional live round of .22 caliber ammunition

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

**A TRUE BILL:**

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**FOREPERSON**

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**PATRICK L. MEEHAN**  
**United States Attorney**